

Remarks

This Amendment is responsive to the Office Action of **June 17, 2005**. Reexamination and reconsideration of **claims 1-28** is respectfully requested.

Summary of The Office Action

The title was objected to, and claim 1 was objected to because of the term “therebetween”.

Claims 1, 3, 8, and 17-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,893,037 to Reele et al.

Claims 2, 21, 22, and 24-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al. in view of U.S. Patent No. 6,750,902 to Steinberg et al.

Claims 10, 11, 12, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al. in view of U.S. Patent No. 5,666,159 to Parulski et al.

Claims 13 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al. in view of U.S. Patent No. 5,666,159 to Parulski et al. further in view of U.S. Patent No. 6,750,902 to Steinberg et al.

Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al. in view of U.S. patent No. 5,666,159 to Parulski et al. further in view of U.S. Patent No. 6,167,469 to Safai et al.

Claims 4, 5, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al. in view of U.S. Patent No. 6,567,502 to Zellner et al.

Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al. in view of U.S. Patent No. 6,750,902 to Steinberg et al. further in view of U.S. Patent No. 6,522,889 to Aarnio.

Claims 6, 7, and 9 were rejected under 35 U.S.C. 103(c) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al. in view of U.S. Patent No. 6,167,469 to Safai et al.

Objections to Informalities in the Claims

Claim 1 has been amended to correct the antecedent of the term “imaging system” as suggested by the Examiner. Applicant respectfully requests withdrawal of the objection of claim 1.

Further, the Office Action states that the term “therebetween” in claim 1 should be replaced with “there between.” Although such a change is cosmetic and does not affect the claim scope, Applicant respectfully submits that “therebetween” is an appropriate word. “Therebetween” is a word that can be found in the dictionary and accordingly is completely valid for use in a claim. Additionally, based on a claim search using the U.S. Patent Office database, there are nearly 200,000 issued patents with “therebetween” in the claims. Applicant, therefore, respectfully requests withdrawal of the objection.

Objections to Informalities in the Specification

The title has been amended to correct the objections indicated in the Office Action. Applicant believes the amended title is descriptive and respectfully requests acceptance of the amended title.

The Present Claims Patentably Distinguish Over the References of Record

Independent Claim 1

Claim 1 is directed to a digital camera that comprises an imaging system, a memory, a user interface, and a wireless radio frequency transceiver for establishing data communication

with a cellular device having a compatible wireless radio frequency transceiver. Claim 1 further recites a transfer logic that, in response to the transfer instruction, transmits connection instructions that cause the cellular device to establish communication with a network and to transmit the one or more selected digital images to the selected address.

As described below, Reele fails to teach or suggest a digital camera including the claimed transfer logic. The other cited references also fail to teach or suggest this feature and fail to cure the shortcomings of Reele.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,893,037 to Reele (“Reele”). Reele discloses an imaging system that comprises a camera unit 10 and a cellular telephone 28. Reele shows that the camera and cell phone can be coupled together as in the embodiments of Figures 2-4, or can be an integrated device as in the embodiment of Figure 5. Column 5, lines 25-49 was cited by the Office Action as teaching the claimed transfer logic in a digital camera.

Starting at line 25 of column 5, Reele teaches how an image is transferred to a remote location. In particular, an operator uses the cell phone 28 and establishes a connection to the remote location by making a phone call. “...the operator, after attaching the cellular phone 28 to the camera 10...initiates a telephone call to the remote location by dialing the appropriate number...” (column 5, lines 26-30). Therefore, the cell phone establishes a communication link from the operator inputting a phone number into the cell phone. There is no teaching or suggestion that the camera transmits connection instructions to the cell phone to establish communication as recited in claim 21.

Reele only teaches that the camera 10 can operate to download images to the cell phone 28 (column 5, line 38-41). No other camera functionality is discussed. The camera does not transmit connection instructions to the cellular device as recited in claim 21. Thus, the camera 10 in Reele is not configured with a transfer logic as claimed, and none is suggested. Therefore, the rejection is not supported by the teachings of Reele and should be withdrawn.

Furthermore, referring to the connectively of the devices in Reele, the camera 10 and cell phone 28 are described as being physically connected by connectors 24, 26, connected by a

cable, or equipped with infrared transmitters and receivers (see column 3, lines 7-10). There is no mention of radio frequency transceivers as claimed. Thus, each and every claimed element is not taught by Reele, and for this additional reason, the 102 rejection is not supported by Reele.

Since claim 1 recites features not taught or suggested by the reference, claim 1 patentably distinguishes over the reference. Accordingly, dependent **claims 3 and 8** also patentably distinguish over the reference and are in condition for allowance.

As argued above, dependent **claims 4 and 5** recite features that are not taught or suggested by Reele even when combined with U.S. Patent No. 6,567,502 to Zellner. For this additional reason, dependent **claims 4 and 5** patentably distinguish over the references and are in condition for allowance.

Finally, as argued above, dependent **claims 6, 7, and 9** recite features that are not taught or suggested by Reele even when combined with U.S. Patent No. 6,167,469 to Safai. For this additional reason, dependent **claims 6, 7, and 9** patentably distinguish over the references and are in condition for allowance.

Independent Claim 10

Claim 10 is directed to a method, in a digital camera, of transferring a digital image. Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Reele in view of U.S. Patent No. 5,666,159 to Parulski.

Reele, however, does not teach or disclose transmitting transfer instructions to the proximity device causing the proximity device to establish wireless communication with a remote network as recited in claim 10. As previously explained, Reele teaches that a user (operator) establishes communication with the remote device by initiating a phone call using the cellular telephone **28** (“...the operator, ...initiates a telephone call to the remote location by dialing the appropriate number...” (column 5, lines 26-30). The camera unit **10** is not involved in causing the cell phone to operate and there is no teaching or suggestion that the camera **10** is configured to transfer instructions to the cell phone as recited in claim 10.

Parulski was cited to cure a different shortcoming of Reele, namely, transmitting a selected destination address to the proximity device. Combining Parulski with Reele, however, does not overcome either of the two shortcomings. Parulski is directed to an electronic camera system that includes a transmission mechanism for sending image data to selected receiver units. As with Reele, Parulski fails to disclose transmitting transfer instructions from a camera to the proximity device causing the proximity device to establish wireless communication with a remote network. As shown in FIG. 10 and disclosed in column 4, lines 49-52, “to transmit the image, a user dials the telephone number of a desired fax machine that is to receive the image using the keypad 58.” Parulski, therefore, requires the user to establish communication with the remote network solely by using the cellular telephone. The destination phone number is inputted by the user into the cell phone. The camera unit does not transmit the destination address and does not transmit transfer instructions as recited in claim 10.

Since claim 10 recites features not taught or suggested by the combination of Reele with Parulski, claim 10 patentably distinguishes over the references. Accordingly, dependent **claims 11, 12, and 14** also patentably distinguish over the references and are in condition for allowance.

Regarding claims 12 and 14, they both relate to features that allow a user to access information on the proximity device where access is from the digital camera. None of the references teaches or suggests a camera with these types of features or the method as claimed.

Additionally, based on the explanation of Reele, dependent **claims 13 and 16** recite features that are not taught or suggested by the combination of Reele and Parulski even when further combined with Steinberg. For this additional reason, dependent **claims 13 and 16** patentably distinguish over the references and are in condition for allowance.

Finally, as argued above, dependent **claim 15** recites features that are not taught or suggested by the combination of Reele with Parulski even when combined with U.S. Patent No. 6,167,469 to Safai. For this additional reason, dependent **claim 15** patentably distinguishes over the references and is in condition for allowance.

Independent Claim 17

Claim 17 has been amended to include language from dependent claim 18. Thus, no new matter has been added. Claim 18 is now canceled.

Claim 17 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Reele. As previously argued, Reele fails to disclose a digital camera comprising a transfer logic configured to transfer instructions to a proximity device. Reele teaches a cell phone that is operated by a user to establish a communication link. Thus, Reele fails to teach or suggest the claimed transfer logic where at least a portion of the transfer instructions are communicated from the digital camera to the proximity device to cause the proximity device to establish communication with a network.

Since claim 17 recites features not taught or suggested by the reference, claim 17 patentably distinguishes over the reference. Accordingly, dependent **claims 18 and 19** also patentably distinguish over the reference and are in condition for allowance.

As argued above, dependent **claim 20** recites features that are not taught or suggested by Reele even when combined with U.S. Patent No. 6,567,502 to Zellner. For this additional reason, dependent **claim 20** patentably distinguishes over the references and is in condition for allowance.

Claims 2, 21, 22, and 24-28 : Reele et al. in view of Steinberg et al.

Claims 2, 21, 22, and 24-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Reele et al. in view of Steinberg et al.

Independent Claim 21

Claim 21 has been amended to clarify the transfer logic for causing the electronic device to transfer the one or more data files to a proximity device via radio frequency communications,

the transfer logic including logic for instructing the proximity device to establish communication with a network to transfer the one or more data files to the one or more destination files.

Claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Reele in view of U.S. Patent No. 6,750,902 to Steinberg. As previously argued, Reele fails to disclose the transfer logic including logic for instructing the proximity device to establish communication with a network to transfer the one or more data files to the one or more destination files. The user is required to manually establish communication with the remote network by using the cellular telephone **28**.

Combining Steinberg with Reele, however, does not overcome Reele's shortcoming. As disclosed in column 5, lines 18-47 and again in column 11, lines 1-40, Steinberg repeatedly explains that the communication device 10 is programmed to control the desired operations, not the camera 12. The camera 12 is not configured to control the communication device 10 in any way. The camera 12, thus, does not transfer instructions to the communication device 10 for instructing the communication device 10 to establish communication with a network as recited in claim 21.

Since claim 21 recites features not taught or suggested by the references, claim 21 patentably distinguishes over the references. Accordingly, dependent **claims 22 and 24-28** also patentably distinguish over the references and are in condition for allowance.

For similar reasons, dependent **claim 23** recites features that are not taught or suggested by the combination of Reele and Steinberg even when combined with U.S. Patent No. 6,522,889 to Aarnio. Thus, dependent claim 23 patentably distinguishes over the references and is in condition for allowance.

Dependent Claim 2

Regarding claim 2 (which depends from claim 1), claim 2 further recites that the transfer logic includes instructions for disconnecting communication with the cellular device when the images are transferred thereto. As explained with reference to claim 1, Reele fails to teach or

suggest the claimed transfer logic in a digital camera. Furthermore as explained with reference to claim 23, Steinberg teaches a camera 12 that is not configured to control the communication device 10 in any way.

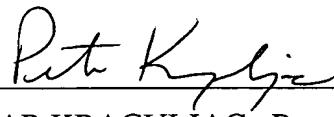
In column 5, lines 30-35, Steinberg teaches that the communication device 10 is programmed to disconnect from the network. The camera 12 is not involved in transmitting disconnection instructions to device 10. The camera 12, thus, does not transfer instructions to the communication device 10 for disconnecting communication as recited in claim 2. Therefore, Reele combined with Steinberg still fails to teach or suggest claim 2. For this additional reason, dependent claim 2 patentably distinguishes over the references and is in condition for allowance.

Conclusion

For the reasons set forth above, **claims 1-17 and 19-28** patentably and unobviously distinguish over the references of record and are now in condition for allowance. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

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